

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERIC EDWARD O'DONNELL,

Petitioner,

vs.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-10-403-CI

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING  
PETITION**

Magistrate Judge Imbrogno filed a Report and Recommendation on February 2, 2011, recommending Petitioner Eric Edward O'Donnell's habeas corpus petition be dismissed without prejudice as untimely under 28 U.S.C. § 2244(d). There being no objections, the Court **ADOPTS** the Report and Recommendation (ECF No. 6). The Petition (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment, forward copies to Petitioner, and close the file. The Court further certifies an appeal from this decision could not be taken in good faith, 28 U.S.C. § 1915(a)(3), and there is no basis upon which to issue a certificate of appealability, *id.* § 2253(c); Fed. R. App. P. 22(b).

**DATED** this 4<sup>th</sup> day of March 2011.

S/ Edward F. Shea

EDWARD F. SHEA

UNITED STATES DISTRICT JUDGE